

# *Journey to Understanding:*

*An Introduction to North Dakota Tribes*



## *Cover Photos:*

Red River Cart with horse, State Historical Society of North Dakota — A2996

Ft. Yates Indians, State Historical Society of North Dakota — AD158

Bullboat (Hidatsa), Shell Creek, State Historical Society of North Dakota — 0270-074

Indian woman with travois, State Historical Society of North Dakota — 0739-v1-p52a

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## A Brief History of the Guidebook

In July 2001, Carol K. Olson, Executive Director of the Department of Human Services, authorized a committee to develop cultural training materials and resources to improve the delivery of services to American Indians.

The committee first met on September 4, 2001. In October 2001, members decided to conduct a non-scientific survey of department staff and affiliates to determine cultural training needs. Based on the feedback from these surveys, the committee decided the first step in meeting their goals was to develop a guidebook for department staff and contracted with the Native American Training Institute for this effort.

In January 2002, the department's eight human service centers, the State Hospital and the Developmental Center agreed to fund the costs associated with developing the guidebook content. One year after the committee formed, the Native American Training Institute provided members with the final draft of the guidebook.

## Special Thanks

This guidebook has been made possible through the collaborative efforts of many different individuals and organizations. We would like to express special thanks to:

- The Native American Training Institute for their expertise in development
- The North Dakota Rural Development Council for assisting with the publication
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- Krista Andrews\*, Attorney, Legal Advisory Unit, Department of Human Services (DHS)
- Arlene Dura\*, Director, Food Stamp Program, DHS
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- Robert Sanderson\*, Former Director, Northeast Human Service Center, DHS
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- Brenda Weisz, Chief Financial Officer, DHS
- Don Wright\*, Assistant Director, Substance Abuse Division, DHS
- Linda Wright\*, Director, Aging Services Division, DHS

\* Committee member

# Letter from the Executive Director

Dear Reader,

In July 2001, the North Dakota Department of Human Services created a task force to increase employee knowledge of the state's American Indian Tribes. By increasing cultural awareness and understanding, it is our goal to improve the quality of human services delivered to American Indians in North Dakota. We sincerely hope that our partners in delivering human services – the counties and other public and private service providers – also benefit from this initiative.

Chaired by the department's tribal liaison, Theresa Snyder, this task force is charged with developing training materials and resources. This guidebook is one product of that effort. It may contain information that is new to you, which will pique your interest and at times may create discomfort. Ultimately, it should increase your appreciation of cultural differences and our shared history.

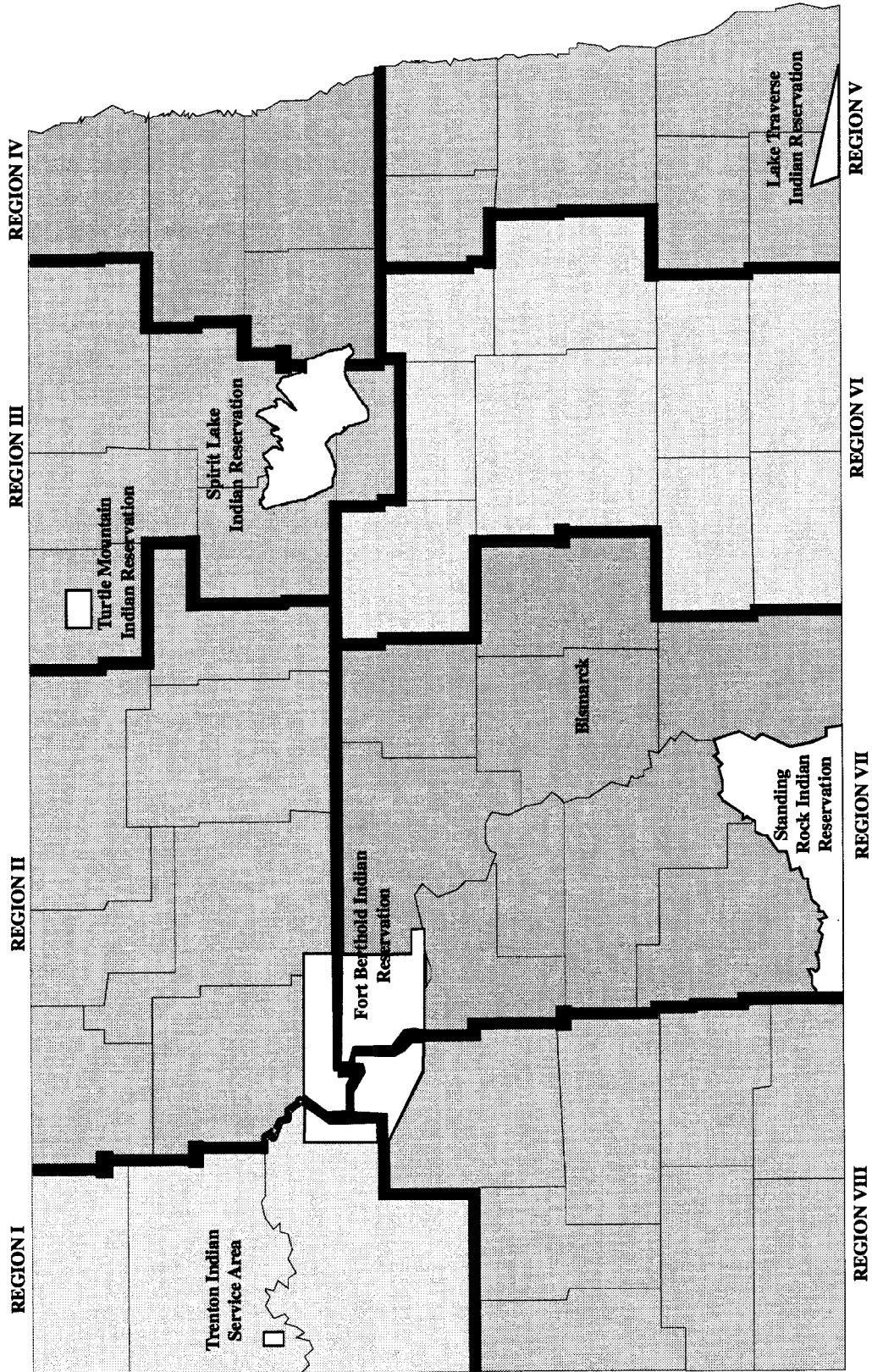
I would like to thank the Native American Training Institute for working closely with the department to develop the guidebook. This is a helpful resource for any individual or organization working with American Indians in North Dakota.

It is my hope that the guidebook will lead you to better appreciate cultural differences, to strive toward greater personal understanding, and to act accordingly. Our actions and interactions today will create the history of tomorrow. I hope this is a starting point and that you seek out other educational resources and opportunities.

Sincerely,

Carol K. Olson  
Executive Director  
North Dakota Department of Human Services

# Map



# Introduction

Welcome to the first step in your journey to understanding! This guidebook was created to give readers a basic understanding of the Native American tribes within the state of North Dakota. Like the famous explorers Lewis and Clark, you will learn many new facts and concepts. At intervals throughout your journey, you may meet challenges and obstacles. Also, like Lewis and Clark, you may feel uncomfortable at times during your journey. Unfortunately, the history of relations between settlers and Native Americans in this region is not without conflict, misunderstanding, resentment, violence, injustice and struggle for limited resources. Understanding this fact may help, if some aspects of the journey make you feel defensive or uncomfortable. It is important to acknowledge and deal with these feelings. By understanding our history of conflict, we may be able to create a future of collaboration.

This guidebook uses an interactive self-test format to provide information and context. You will not be graded in any way on this self-test. The results may be as private or as public as you want them to be. Answers and supporting material for each question can be found beginning on page 22. This guidebook is meant to provide a journey of understanding and self-discovery. So, learn some new information and, more importantly, have fun! Let's begin the journey! We have a long way to go.





## Origins and Migrations

1. What modern-day state are most of the tribes in North Dakota said to originate from?

- ☐ South Dakota
- ☐ Minnesota
- ☐ Montana
- ☐ Oklahoma

*See page 22 for answer.*

Today, the names used by the tribes in North Dakota are not the traditional names used by their Native ancestors. This is in large part due to the distortion of the languages used to communicate between white explorers or trappers and Natives.

The “Dakota” or “Lakota” people are sometimes referred to as “Sioux.” The term *sioux* is actually a distortion of an Ojibway/ Algonquian term *naud-o-wa-se-wug*, meaning “like unto the adders,” or simply “snake.” The word *dakota* or *lakota* actually means “friend” in that language. There are many different bands within the Dakota/Lakota tribe, each with its own name, historical leaders and ways of life. Today, the lands of the Dakota/Lakota people are the Standing Rock Indian Reservation and the Spirit Lake Indian Reservation.

The name “Chippewa” is the most commonly accepted name for the people of the Turtle Mountain Indian Reservation. The term is actually a mispronunciation of Ojibwa, Ojibway or Ojibwe, all variations that refer to the same group of people. Other terms used are Salteaux and Anishinabe. The traditional name for the people, *A-nish-i-na'-be*, means “from whence lowered man,” referring to their creation story.

The Fort Berthold Indian Reservation is home to three separate tribes, known today as the Mandan, Hidatsa and Arikara. The Mandan call themselves “*the People of the First Man*” or the Nueta. Traditionally, the Hidatsa were known as Minnetaree, or Gros Ventre. The name Minnetaree, spelled in various ways, means “*to cross the water.*” Hidatsa was actually the name of a village occupied by these tribes, which has been said to mean “*willows.*” Oral historians say the names Arikara, Arickara, Ricarees, and Rees were given to them by the Pawnee and other informants to describe the way they wore their hair. The Arikara people call themselves Sahnish, which means “*the original people from whom all other tribes sprang.*”

### Bonus Trivia 1

What is the  
Red River Cart?

See page 30

For more information regarding the origins of the North Dakota tribal nations, read "The History and Culture of the Mni Wakan Oyate," "The History and Culture of the Turtle Mountain Band of Chippewa," "The History and Culture of the Standing Rock Oyate," and "The History and Culture of the Mandan, Hidatsa, and Sahnish," published by the North Dakota Department of Public Instruction.

2. Which people are the first in this region to have contact with white fur traders?

- ☐ Mandan
- ☐ Dakota
- ☐ Ojibway
- ☐ None of these

*See page 23 for answer.*

The tribes in North Dakota first came into contact with non-Native fur traders, trappers and explorers in the mid-1600s and in the early 1700s. These first contacts are documented as fairly amicable. However, as the demand for more land and resources for settlers increased, the exchanges between Native tribes and Europeans became strained to the point of open hostility and warfare.

In the Northern Plains, the time period from the mid-1700s to the late 1800s was characterized by open warfare, skirmishes and intermittent negotiated peace treaties. Treaties had long been used in dealing with Native tribes as the costs of war to the U.S. government were fairly substantial, as well as other reasons. These treaties created many of the circumstances we know today.

### Bonus Activity A

Match the major North Dakota landmark with the Indian tribe from which the landmark received its name:

|                    |         |
|--------------------|---------|
| Devils Lake        | Lakota  |
| Killdeer Mountains | Mandan  |
| Heart River        | Hidatsa |
| Yellowstone River  | Dakota  |

See page 34

## Reservations, Sovereignty and Tribal Governments

3. How many reservations are located in present-day North Dakota?

- ☐ 3
- ☐ 4
- ☐ 5
- ☐ 6

*See page 23 for answer.*

4. Which reservation was the first to be established?
- ☐ Standing Rock Indian Reservation
  - ☐ Fort Berthold Indian Reservation
  - ☐ Turtle Mountain Indian Reservation
  - ☐ Spirit Lake Indian Reservation

*See page 23 for answer.*

5. Which is not a “true” reservation in North Dakota?
- ☐ Fort Berthold
  - ☐ Trenton Indian Service Area
  - ☐ Sisseton-Wahpeton
  - ☐ All of the above

*See page 24 for answer.*

The term “reservation” comes from the fact that land owned by the tribes is land that was “reserved” by the tribes. A common misconception is that reservations are tracts of land that were given to tribes by the U.S. government. On the contrary, reservations are the only pieces of land the tribes have never ceded to the United States and to which they have always retained ownership.

For more information on the establishment of each reservation, visit [www.mhanation.com](http://www.mhanation.com), [www.standingrock.org](http://www.standingrock.org), [www.turtlemountainchippewa.com](http://www.turtlemountainchippewa.com), and [www.spiritlakenation.com](http://www.spiritlakenation.com).

Because of this ownership of land and because tribes inhabited this continent before the coming of Europeans, Indian tribes are the only minority group in the United States to have and to retain sovereignty. Recognizing the right of ownership, the first immigrants to this country set the precedent by negotiating treaties with the Native tribes. These treaties established a nation-to-nation relationship that has existed, albeit modified, to this day. Through treaties, the tribes relinquished land to settlers and made pacts of peace in exchange for goods, annuities, monetary compensation, and other promises from the U.S. government.

Today, because of these promises and the relationship that developed between the tribes and the United States, the federal government is said to have a “trust relationship” or “trust responsibility” to Indian tribes. At its broadest, the relationship includes the mixture of legal duties, moral obligations, understandings and expectancies that have arisen over the years between the federal government and the tribes. In its narrowest and most concrete sense, the relationship approximates that of trustee and beneficiary, with the trustee (the United States) subject in some degree to legally enforceable responsibilities.<sup>1</sup>

## Bonus Activity B

Place the following reservations in order, from the reservation with the largest land base to the reservation with the smallest land base:

Spirit Lake  
Standing Rock  
Turtle Mountain  
Fort Berthold

See page 34

Indian tribes are not sovereign nations in the same sense as foreign countries, however. Three United States Supreme Court cases from the 19<sup>th</sup> century help define the unique “sovereign” status of Indian tribes in the United States. One case is *Johnson v. McIntosh*, which provided that tribes’ rights to sovereignty, while impaired by colonization, were not disregarded. It also held that the federal government alone had the right to negotiate treaties for land cessions. Another case of precedent is *Cherokee Nation v. Georgia*. This landmark case introduced the term “domestic dependent nations” and maintained that the trust relationship between tribes and the U.S. government resembled that of “a ward to his guardian.” Finally, in *Worcester v. Georgia*, the court held that although tribes are subject to the power of the United States, they also retain limited sovereign powers. In addition, it also held that only the U.S. Congress has plenary power over Indian affairs and that state laws do not apply in Indian Country.

### Bonus Activity C

Some people confuse the name of a town on a reservation with the name of the reservation itself. Link the name of the major town with the reservation on which it is located:

|             |                 |
|-------------|-----------------|
| Fort Yates  | Turtle Mountain |
| Belcourt    | Fort Berthold   |
| Fort Totten | Standing Rock   |
| New Town    | Spirit Lake     |

See page 34

The current status of the Indian nation has been variously described as “quasi-sovereign tribal entities,” *Morton v. Mancari*, 417 U.S. (1974); “quasi-sovereign nations,” *Iron Crow, et al. v. Oglala Sioux Tribe*, 231 F. 2d 89 (8th Cir. 1956); “dependent nations,” *Colliflower v. Garland*, 342 F. 2d 369 (9th Cir. 1965); “residual sovereignty,” *Long v. Quinalt*, No. C75-677 (W.D. Wash., Sept. 2, 1975); and “semi-sovereign existence,” *Quechan Tribe of Indians v. Rowe*, et. al., No.72-3199 (9th Cir. Feb. 2, 1976).

Today, the sovereignty that tribes retain is sometimes likened to the sovereignty of a state. Similar to every state in the union, tribes have their own elected leaders, form of government, governing constitutions, constituency and, often, court systems, law enforcement and other systems. However, U.S. courts have held that the status of Indian tribes is higher than that of states. “Indian tribes are, of course, not states; they have a status higher than that of states. They are subordinate and dependent nations, possessed of all powers as such, and limited only to the extent that they have been expressly required to surrender their powers by the superior sovereign, the United States (*Colliflower v. Garland*, 342 F2d. 369 1965).” Thus, state laws have generally been held inapplicable within the boundaries of reservations, although exceptions have been made through acts of Congress (see Public Law 280).

One sovereign power that tribes retain is the right to self-government. This is why American Indians are the only minority group in the United States with their own elected leadership.

6. Tribal governments are fashioned after the traditional form of government utilized by Native tribes.

True or False

*See page 24 for answer.*

The Fort Berthold Indian Reservation is home to three different tribal nations and is divided into six segments or districts. The combined tribal government is called the Three Affiliated Tribes. Each segment is represented on the Tribal Business Council for the Three Affiliated Tribes. The segments are the Four Bears, Mandaree, Shell Creek, Lucky Mound, Twin Buttes and White Shield. The population of each segment elects a representative to serve on the Tribal Business Council for a term of four years. In addition, each segment also elects local segment officers, such as a Chair, Vice Chair and Secretary/Treasurer, to handle local issues.

The Standing Rock Indian Reservation is divided into eight districts. The districts are Cannon Ball, Porcupine, Fort Yates, Kenel, Bear Soldier, Little Eagle, Wakpala and Rock Creek. Each district is represented on the Standing Rock Tribal Council by an elected representative who serves a four-year term. The tribe operates under a constitution approved on April 24, 1959 by the Tribal Council. The Tribal Council consists of a Chair, Vice-Chair, a Secretary and fourteen councilmen (one from each of the eight districts and six at-large members elected by the general populace). In addition, each district also elects local district officers, such as a Chair, Vice Chair and Secretary/Treasurer, to handle local issues.

The Spirit Lake Indian Reservation is divided into four districts. The districts are Crow Hill, Fort Totten, Mission and Wood Lake. Each district is represented on the Tribal Council by an elected representative who serves a four-year term. The tribal constituency also elects a Tribal Chair, Secretary/Treasurer to the Council. The Council then appoints a Vice Chairman.

The Turtle Mountain Indian Reservation is divided into four numbered districts. Each district is represented on the Tribal Council by two elected representatives who serve two-year terms. The tribal constituency also elects a Tribal Chair who also serves a two-year term. This group of nine elected officials then elects a Vice Chair and a Secretary-Treasurer for the Council. The tribal government is organized according to a 1959 constitution and by-laws.

The Trenton Indian Service Area (TISA) is a political subdivision of the Turtle Mountain Band of Chippewa and is governed by an elected board of chairpersons-at-large. The TISA is divided into three districts – Trenton, Montana and Williston – and elects two representatives from each, as well as a chairperson. This structure is a result of the Turtle Mountain Band of Chippewa's Ordinance 29.

## Bonus Trivia 2

Since adopting elections for a Tribal Chair, every tribe in the state has elected a woman to this position.

True or False

See page 30

One important point to remember about modern-day tribal governments is that they have been in existence only since the passage of the Indian Reorganization Act of 1934. Thus, unlike the U.S. government, which is over two hundred years old, most tribal governments have been in existence for less than 70 years.

Modern tribal governments have a wide array of responsibilities, including but not limited to, membership, jurisdiction, administration of justice, control and acquisition of land, taxation, business regulation, property rights, regulation of hunting and fishing, conservation and environmental protection, health and social service programs, water

rights, economic development, education, and relationships with other tribal, state and federal governments. Although tribal governments in North Dakota do not have official separate branches of government, tribal laws and regulations are passed similar to bills in the state or federal government. In the most general description, proposed legislation is taken to specific tribal council subcommittees for review and approval in the form of a tribal resolution. Upon approval by the committee, proposed legislation is then forwarded to the full Tribal Council for approval and passage. It is important to note that, although tribal councils are significantly smaller than state and federal governments, the process for passage of resolutions is no less cumbersome or time-consuming.

In addition to having their own forms of government, Indian tribes are also unique in that many operate their own court and law enforcement systems. This development has also arisen from the understanding that sovereignty involves the right of a people to "make their own laws and to be ruled by them" (*Williams v. Lee*, 358 U.S. 217, 1958).

Modern-day tribal courts developed from a specific event that occurred on the Rosebud Sioux Reservation in South Dakota in the 1880s. In this event, a local tribal member named Crow Dog killed a fellow tribal member, Spotted Tail. The tribe utilized their own traditional methods of dispute resolution and required Crow Dog to provide restitution to Spotted Tail's family. Although the Spotted Tail family was satisfied with the resolution, the federal government and non-Indians were outraged at the lack of "appropriate" punishment. As a result, the Department of the Interior set up a formal Court of Indian Offenses, which was used to resolve disputes between tribal members and minor criminal offenses using the non-Native laws and regulations. The Court of Indian Offenses has evolved into the tribal court systems used today, and they continue to handle minor criminal and civil cases. However, certain other crimes described as "major" crimes were – and continue to be – handled exclusively by federal law as delineated in the Major Crimes Act of 1885. This is the reason federal law enforcement is sometimes involved in criminal matters on the reservations.

Today, approximately 275 tribes and Alaska Native villages have established tribal court systems. These court systems range from systems based on the European model to traditional Native ways of justice.

For more information about tribal courts, visit the website of the National Tribal Justice Resource Center at [www.tribalresourcecenter.org](http://www.tribalresourcecenter.org).

For more information about tribal law and legal matters, visit the website of the Native American Rights Fund and the National Indian Law Library at [www.narf.org](http://www.narf.org).

For more information on current legal and law issues in Indian Country, visit the website of the U.S. Senate Committee on Indian Affairs at [www.senate.gov/~scia/nsindex.html](http://www.senate.gov/~scia/nsindex.html), or the U.S. Department of Justice, Office of Tribal Justice at [www.usdoj.gov/otj](http://www.usdoj.gov/otj).

### Bonus Trivia 3

One of the first members of the “Indian police,” Red Tomahawk, is known as the man who shot Sitting Bull. What other distinction does he claim in North Dakota?

- a. His likeness is featured on highway signs.
- b. His likeness is used on the logo of the state highway patrol.
- c. He helped design the North Dakota state seal.
- d. He was the first Native American to serve on the North Dakota Parole Board.

See page 30

## Impact of Government Policies

A solution to the “Indian Problem” was the impetus for many of the U.S. government policies passed throughout history affecting Native Americans. Although these policies sought the same outcome, the methods and philosophies behind them were far from consistent. This created a historical legal legacy of confusion, reversal of policy and unpredictable political winds. And, while each reservation is unique in its formation and each tribe is unique in its cultural ways, most Native Americans in the United States were affected in the same way by specific encompassing Congressional Acts.

7. The Indian Removal Act of 1830 was enacted for the purpose of:
- ☐ Moving all tribes from the south to north of the Missouri River.
  - ☐ Moving all tribes from the east to west of the Mississippi River.
  - ☐ Removing tribes from the states of Texas, New Mexico, Arizona, Colorado and Utah.
  - ☐ Moving all tribes from public domain to reservations.

*See page 25 for answer.*

8. The General Allotment Act of 1887 sought to:
- ☐ Encourage land ownership by allotting individual Indians their own acreage.
  - ☐ Open additional Indian acreage to white settlers in need of more land.
  - ☐ Discourage the Indian concept of communal land ownership.
  - ☐ All of the above.

*See page 25 for answer.*

9. In 1953, HR108 enacted a policy that sought to \_\_\_\_\_ certain tribes.
- ☐ Rejuvenate
  - ☐ Terminate
  - ☐ Assimilate
  - ☐ Educate

*See page 25 for answer.*

10. In the 1960s and 1970s, the Relocation Program was used to:
- ☐ Relocate certain tribes to nearby areas.
  - ☐ Relocate Indian children to boarding schools.
  - ☐ Relocate Indian families from reservations to major urban areas such as Chicago, Denver and San Francisco.
  - ☐ Relocate Indian families from major urban areas such as Chicago, Denver and San Francisco back to their own reservations.

*See page 26 for answer.*

11. The policy of self-determination, which encouraged Indian tribes to participate in their own governmental programs by assuming leadership, was enacted in what year?
- ☐ 1937
  - ☐ 1956
  - ☐ 1969
  - ☐ 1975

*See page 26 for answer.*



Throughout the years, policies promulgated by the U.S. government have alternated from open warfare to coercive assimilation, from tribal restoration to termination, and from self-determination to limitation. This inconsistency has created distrust and wariness of government and of agencies seen as representative of the government by the American Indian people. In addition, every policy has had long-lasting and far-reaching effects on the diverse Native American cultures within the United States.

The policy of allotment, for example, has created many unique challenges for tribes and tribal people. In 1934, John Collier reported two major problems of the General Allotment Act: allotment caused the loss of roughly two-thirds of total Indian land base and allotment had rendered whole tribes totally landless. He said, "It has thrown more than a hundred thousand Indians virtually into the breadline...[and] put the Indian allotted lands into a hopelessly checkerboarded condition."<sup>2</sup> Even those who had retained ownership of their allotments would see little results.

Today, because this land ownership policy was based on heirship, descendants of the original allottees often claim parcels of land as small as several square yards. Since it is extremely difficult to piece together larger tracts of land, most American Indian farmers and ranchers are limited to smaller operations. Those individuals who never adapted to farming or ranching often sold or leased their land to other Indian or non-Indian farmers and ranchers.

The policy of educating American Indians in boarding schools also had a lasting effect on tribes. While efforts to educate American Indians into the non-Indian ways of life began as early as 1650, the majority of educational efforts took place during the 1800s. During the mid- to late-1800s, a new "model" of Indian education was formed, patterned after military academies. These institutions utilized uniforms and military discipline and taught "practical" skills – mechanics, printing, agriculture and domestic housekeeping. One of the founders of the boarding school model, Colonel Richard Pratt, a former Indian fighter, was head of the most famous of the schools – the U.S. Training and Industrial School at Carlisle, Pennsylvania. Said Pratt of his philosophy, "I believe in immersing the Indians in our civilization, and when we get them under, holding them there until they are thoroughly soaked."<sup>3</sup>

While these initial boarding schools were bastions of hard work and harsh conditions, the students were not abused. Some later boarding schools, however, were rife with physical and sexual abuse and created lasting legacies for many Indian families. Even those students who did not suffer from physical or sexual abuse were affected by the schools. Although they were not harmed physically, these students were denied the right to be raised by their own parents and families. Many boarding school students spent most of their

### Bonus Trivia 4

Today, approximately half of the land within the boundaries of North Dakota's two largest reservations is owned by non-Indians.

True or False

See page 30

lives in boarding schools and so were not exposed to models of parenting or family life. This affected their families and their ability to parent their own children. Today, there continue to be issues of inadequate or improper parenting skills resulting from the boarding school experiences.

Another policy with far-reaching effects on Native people is the relocation programs promoted in the 1950s. These efforts also focused on assimilating American Indian families by encouraging them to move to major urban areas and become part of the “American Dream.” Bureau of Indian Affairs promotion posters promised “good jobs,” “happy homes,” “exciting community life,” and “training.” But, although relocation posters promised many things, the programs delivered little. In reality, families were left on their own with little or no support. In fact, stories began to filter back to the reservations of joblessness, isolation, police harassment, alcoholism and depression. However, thousands of families had already relocated. In 1960, the U.S. Census found that nearly one-third of the country’s population of American Indians had moved to urban areas. Today, the legacy of this policy is that, according to the 1990 U.S. Census, an estimated 41 percent of the Indian population live off reservations, in or near urban centers. A detrimental effect is that many individuals are now second or third generation “urban Indians” who have little or no contact with their tribes or tribal cultures.

Finally, an especially traumatic policy affecting tribes was the policy of termination. The policy of termination again sought to make American Indians like other U.S. citizens by

### Bonus Trivia 5

Which North Dakota tribe was on the original list to be terminated?

- a. Standing Rock Sioux Tribe
- b. Turtle Mountain Band of Chippewa
- c. Three Affiliated Tribes
- d. None of the tribes in North Dakota were targeted

*See page 30*

ending the federally recognized status of Indian tribes and the federal government’s trust responsibility to them. Under the policy, approximately 100 Indian tribes, bands and rancherias became – with a stroke of the administrative pen – unrecognized, subject to state laws and cut off from any programs previously designated as trust responsibilities of the United States. In many instances, the tribal land base converted to private ownership or was sold.

Two tribes, the Klamath of Oregon and the Menominee of Wisconsin, were among the first to be targeted for termination because of their successful tribal enterprises. The result was an economic, social and legal disaster that, in the words of a Senate investigation of 1969, “led to extreme social disintegration.” The policy of termination was rejected during the Johnson and Nixon administrations but was not formally repealed until 1988.

Another detrimental effect of the termination policy for Indian tribes is the subsequent passage of Public Law 280, passed in 1953. As part of the termination philosophy, Public Law 280 specifically gave six states mandatory and substantial criminal and civil jurisdiction over the Indian reservations within their borders. These states are Alaska (except for

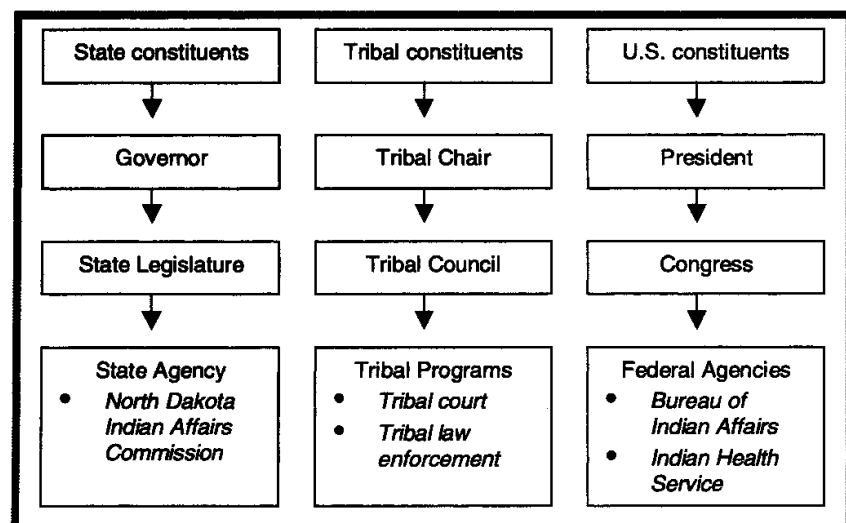
the Metlakatla Reservation), California, Minnesota (except Red Lake Reservation), Nebraska, Oregon (except Warm Springs Reservation), and Wisconsin. Although the law did not grant unlimited and blanket jurisdiction, it negated many major Acts of Congress pertaining to the sovereign rights of Indian tribes. Public Law 280 also permitted other states beyond the original six to acquire similar jurisdiction. The states that chose this option did not require tribal consent, although this stipulation was amended in 1968. Ten states opted to assert some form of jurisdiction – from limited rights to full Public Law 280 jurisdiction – including Arizona, Florida, Idaho, Iowa, Montana, Nevada, North Dakota, South Dakota, Utah, and Washington. Later amendments to the act allowed for “retrocessions” or transfers of jurisdiction back to the tribes. Since the 1960s, a number of limited retrocessions have occurred.

However, the legacy of Public Law 280, the Major Crimes Act, and other subsequent legal decisions is the restriction of sovereignty for tribes. These policies, congressional acts and legal decisions have created a unique and complex jurisdictional system that keeps even the most informed legal experts on their toes. In North Dakota, as in many states, the question of legal jurisdiction depends on the type of crime, the race of the victim, the race of the perpetrator, and the location at which the crime was committed.

## Inter-government Relationships

There are three different types of government with which American Indian people must become familiar: tribal, state and federal. Each government has their own laws, their own ways of conducting business and their own type of sovereignty. In addition, all are part of the way of life for American Indian people. As mentioned in the previous section, criminal or civil jurisdiction on an Indian reservation is one example of an area of life in which the three types of government overlap, and it can become very confusing. Thus, the confusion engendered by the different agencies that tribes and tribal members must come into contact with is understandable.

Figure 1 illustrates the similarity between the three types of government in leadership, constituents, legislative bodies and key agencies.



12. The Bureau of Indian Affairs is one of the oldest agencies within the U.S. government.

True or False

*See page 27 for answer.*

The Bureau of Indian Affairs (BIA) is located within the Department of the Interior. The BIA is the federal agency responsible for working with Native tribal governments and Alaska Native communities. In accordance with the federal policy of Indian self-determination, the Bureau's foremost responsibility is to promote maximum participation of Indian tribes in the government and education of their people.<sup>4</sup>

The BIA does this through their central office and through each of their twelve "area offices." The BIA also administers several programs and services for tribes pertaining to trust lands, BIA schools and scholarship programs, housing, substance abuse and social services, law enforcement and higher education.

## Poverty and Economic Development

Native Americans consistently rank as the most poverty-stricken group in the United States. One definition of poverty is when human beings are unable to exercise and retain control over their living conditions. This is especially true of Native Americans. Their endemic poverty is the result of hundreds of years of warfare, detrimental governmental policies and both open and covert attempts to access their land and natural resources. In addition, the cyclical nature of poverty and the socio-economic structures inherent in the country's free market system have created circumstances that make their poverty difficult to effectively address.

Tribal economic development efforts have been on-going for many years. However, efforts have been stymied by several factors. Most reservations are severely isolated and lack the basic infrastructure – such as adequate roads, water and sewer systems, power and telephone access and (essential in today's technological world) technology access – to support larger businesses. A major investment on an Indian reservation is seen as much too risky by most major businesses. In addition, many of the natural resources of tribes have been taken or eroded through government policies. This has made it difficult for tribes to use their resources in a coordinated or effective way.

### Bonus Trivia 6

What percentage of tribal members of the Three Affiliated Tribes was moved as a result of the creation of Lake Sakakawea?

- a. 10%
- b. 25%
- c. 60%
- d. 80%

What percentage of agricultural lands of the Three Affiliated Tribes was lost due to the creation of Lake Sakakawea?

- a. 25%
- b. 37%
- c. 78%
- d. 94%

See page 31

Another reason economic development efforts have lagged is because many proposals of the past several decades were government induced or imposed without regard to local human or natural resources. Proposals by the tribes themselves were often ignored in favor of projects seen as “good” or “better” for tribes. This lack of ownership in initiatives often led to failures.

Still another reason for the lag in economic development is that the dynamics of poverty are sometimes more pervasive and powerful than even cultural norms and values. Poverty studies have shown that the causes of poverty are not the consequences of ill fate, personal pathology, random events or cultural deficiency, but that persistent poverty is closely related to the social stratification of America. These studies have found that the best predictor of an adult’s social class is the social class into which he or she was born. In other words, poverty is statistically likely to beget poverty.

Finally, economic development efforts have been hindered by the absence of small or established businesses on most reservations. Some North Dakota tribes have created large business ventures with substantial payrolls, such as casinos or manufacturing plants. However, reservation employees (as well as off-reservation employees) must spend their salaries for goods and services off of the reservations. Lacking the necessary marketplace on the reservations, Native American consumers must purchase their food, clothing, appliances, furniture, cars and other goods and services in border towns, major North Dakota cities and other off-reservation businesses. This creates a situation in which individuals are in better economic health, but the reservation is not impacted in the same positive way. Dollars do not remain on the reservation, nor are they likely to roll over before leaving the local economy. In fact, one study of a South Dakota reservation found that 85 percent of the reservation’s gross income went to off-reservation border towns and businesses.

The prognosis for future economic development efforts is not all gloomy, however. According to the U.S. Census Bureau, nationally the number of Native-owned firms increased 84 percent from 1992 to 1997. This increase was the highest increase among all minority groups and was phenomenal compared to the 7 percent increase in minority ownership for all U.S. companies. In addition, the data shows that the purchasing power of American Indians and Alaska Natives increased from \$19.2 billion in 1990 to \$34.8 billion in 2001.

The gaming industry has been one of the most economically successful ventures for tribes. Although the prevailing myth is that the United States or states “allow” tribes to operate casinos, the U.S. Supreme Court merely upheld the sovereign right of tribes to conduct gaming operations (*California v. Cabazon Band*).

### Bonus Trivia 7

The poverty rate for Indians in North Dakota is almost \_\_\_\_ times the rate for the population of all races in North Dakota.

- a. 2
- b. 3
- c. 4
- d. 5

See page 31

13. What percentage of the total gaming revenue in the United States is earned by tribally-owned casinos?

- ☐ 1-10%
- ☐ 10-30%
- ☐ 30-60%
- ☐ 60-100%

*See page 27 for answer.*

Many people ask the question: Do Indian casinos help or hurt the reservations? The answer to this question is debatable. Like most things in life, Indian-owned casinos have their advantages and disadvantages. A major advantage is that the revenue is used to support tribal programs and services. A major disadvantage is the possibility of tribal members becoming addicted to gambling.

One prevailing and detrimental myth about Indian casinos, however, is that tribes are getting "rich" from casino revenue. This is clearly a myth because every casino and every reservation is different. Some casinos, like the Mashantucket Pequot's Foxwoods Casino in Connecticut, make a majority of the industry's revenue for a small population of tribal members and are considered quite lucrative. Others, like the Standing Rock Sioux Tribe's Prairie Knights Casino in North Dakota, earn a minute portion of the industry's total revenue for a large population of tribal needs. Despite the facts, the myth that tribes are "getting rich" has created a hostile atmosphere for tribal gaming and the efforts of Indian tribes.

In fact, Indian gaming operations have provided a myriad of benefits for the surrounding non-Native communities and for tourism efforts. As discussed in the economic development section, many border towns and major metropolitan areas surrounding reservations often reap the benefits of tribal gaming and other economic efforts. Nowhere is this more evident than in the gaming industry, which accounts for millions spent on payroll, construction and other goods and services, as well as reductions in welfare.

For more information on Indian gaming, go to the National Indian Gaming Association official website at [www.indiangaming.org](http://www.indiangaming.org).

Another persistent and prevalent economic myth is that Indians receive a monthly income check from the U.S. government or that Indians receive a substantial check from the U.S. government when they turn eighteen. These statements are absolutely false. Some individual Indians or tribes may receive monetary compensation for damages, loss of lands, treaty violations or other past or present wrongs. However, these payments are made only to specific tribes and only for specific reasons. The Three Affiliated Tribes, for example, received compensation for the flooding of their land for the Garrison Dam and chose to distribute that income to enrolled members who turned eighteen within a specific time period. This benefit applied only to that tribe, however.

### Bonus Trivia 8

A famous Sioux leader from North Dakota is featured on U.S. paper currency.

True or False

See page 32

Sometimes, an individual may also receive payments based on income from their land or natural resources. Under the allotment policy of the 1800s and early 1900s, some individual Native Americans received allotments rich in timber, minerals, water or fertile soil. These allotments are often held in trust by the government for tribes or individual tribal members and thus payments come “from the government” in the sense that fees or payments collected from users by the federal government are then passed on to the individual Indian owners or tribes. These payments are often made through Individual Indian Monies or IIM accounts. The IIM system is administered through the Department of the Interior’s Bureau of Indian Affairs’ Office of Trust Fund Management and the U.S. Treasury.

Today, about 11 million acres of land are held in trust for over 387,000 individual beneficiaries and more than \$300 million annually is collected from agricultural and oil leases, mining and water rights, rights-of-way and timber sales. Unfortunately, the U.S. government, tribes and individual account holders are currently embroiled in a legal battle over the historic mismanagement of the funds.

## Education

The Native and the non-Native concepts of education have always been at odds. In the history of education for Native Americans in the United States, the emphasis of educational efforts by non-Natives has often been one of assimilation and “civilizing” the Indian while the efforts of Natives has been one of enculturation and strengthening of the Native culture. One of the first documented instances of educational efforts demonstrated this difference of perspective. In 1744, several commissioners of the government of Virginia offered to educate the sons of the chiefs of the Six Nations. The chiefs replied:

“Several of our young people were formerly brought up at the colleges of the Northern Provinces; they were instructed in all your science; but when they came back to us, they were bad runners; ignorant of every means of living in the woods; unable to bear either cold or hunger; knew neither how to build a cabin, take a deer, or kill an enemy; spoke our language imperfectly; were therefore neither fit for hunters, warriors, or counselors; they were totally good for nothing. We are, however, not the less obliged by your kind offer, though we decline accepting it; and to show our grateful sense of it, if the gentlemen of Virginia will send us a dozen of their sons, we will take great care of their education, instruct them in all we know, and make men of them.”<sup>5</sup>

However, education soon became the vehicle for the U.S. government to solve the “Indian problem.” Four kinds of schools were utilized to assist in the assimilation efforts: mission schools, public schools, reservation day schools and boarding schools (both on and off reservation). The purpose of these schools was to “civilize” Indian youth by assimilating them into the American way of living, working, thinking and believing.

Today, each of these four types of schools still exist. However, the emphasis has shifted somewhat. Although the public policy and political climate have affected educational efforts, Native people have continued to advocate for educational efforts tailored to their needs. The swinging of the political pendulum largely affects funding for Indian education, although educational methodologies and curriculum have also been affected by changing views.

The governmental office charged with overseeing educational efforts is the Office of Indian Education (OIE). This office originated with Title IV of Public Law 92-318, also known as the Indian Education Act of 1972. It is currently known as Part A, Title IX of the Education Amendments of 1994 (Public Law 103-382). This legislation is the only legislation that provides direct financial support in public, tribal and BIA schools for American Indian and Alaska Native students.

For more information about the history of Native education or current educational efforts, visit the official website of the National Indian Education Association at [www.niea.org](http://www.niea.org), the Office of Indian Education at the Bureau of Indian Affairs at [www.oiep.bia.edu](http://www.oiep.bia.edu) or the American Indian Higher Education Consortium (AIHEC) at [www.aihec.org](http://www.aihec.org).

### Bonus Trivia 9

Tribally-controlled community colleges were created in the late-1970s to address the issue of higher education for American Indians. How many of the first six tribal colleges established were in North Dakota?

- a. 1
- b. 2
- c. 3
- d. 4

See page 32

## Health

14. American Indians receive free health care.  
True or False

*See page 27 for answer.*

Health issues are critical in Native American communities and reservations. Native Americans consistently suffer the highest rates of diabetes, motor vehicle and other accidents, infant mortality, suicide, alcoholism and shorter life span. In addition, incidences of HIV/AIDS, cardiovascular disease and some forms of cancer are on the rise in many Native communities. In most cases, these and other health issues directly correlate to conditions of poverty as opposed to cultural deficiency or personal pathology. Conditions of poverty include poor diet, lack of exercise, lack of health insurance coverage, inadequate access to preventative or regular health care, lack of transportation and/or cultural and language barriers.



In Indian Country, most health epidemics are exacerbated by the type of racial/ ethnic and economic disparities that affect the whole of America. Generally, minority groups lack access to quality medical care, updated medical facilities and adequate health coverage. In addition, American Indians must address issues such as mistrust or fear of the medical profession, lack of culturally competent care and misconceptions about Indian Health Service.

For more information on the general health of Native Americans, visit the Indian Health Service website at [www.ihs.gov](http://www.ihs.gov).

## Other Issues

### Bonus Trivia 10

The American Indian population in North Dakota is largely made up of adults over the age of 35.

True or False

See page 32

Today, most Native American tribes across the United States face the same unique social issues and challenges. This is largely due to the shared historical experiences of the tribal nations. In fact, as shown earlier, major U.S. government policies affecting American Indian tribes have made most tribes more alike today than they have ever been historically. Major issues that tribes address collectively include sovereign rights, justice and jurisdiction, gaming, economic development, health and welfare disparities, housing and environment/land use.

One of the most pertinent issues facing tribes today is the exercise of sovereignty. Because of the unique nature of the shared history and relationship of Indian tribes and the U.S. government, tribal sovereignty continues to be an ambiguous and complex concept. Throughout American history, the concept of sovereignty has been a casualty of the swinging pendulum of policies, from extermination to assimilation, and from termination to self-determination. It has been said that tribes are currently in a political atmosphere of "limitation." Recent interpretations of sovereignty by U.S. courts limit tribal sovereignty and self-determination in many ways. Tribes and the U.S. government continue to play a tug-of-war game with the concept of sovereignty.

Another issue that affects American Indians and sovereignty is the issue of justice and jurisdiction. Policies such as the General Allotment Act, the Major Crimes Act and Public Law 280 have created a quagmire of jurisdictional issues for tribal, federal, state and county law enforcement officials. These issues continue to be tested throughout the country and in North Dakota.

Health and welfare disparities are also an area of shared concern for tribes. The poverty affecting tribes is manifested in high rates of poor health, health crisis issues, child removal rates and general welfare disparities. In addition, the general lack of adequate housing

and ability to develop housing on reservations has created an out-migration of young people on reservations that is as detrimental as young people leaving small towns in North Dakota.

Finally, environment is a major issue for tribes as land base becomes a definitive resource. At the time of first contact, Indian tribes co-existed with the earth and believed in living in harmony with it rather than conquering or controlling nature. This philosophy was an integral part of cultural life and was evidenced in rituals, song, hunting and gathering techniques and other cultural life ways. However, the introduction of domesticated plants and livestock, Old World diseases and pathogens and the changing resource use patterns altered the state of cultural co-existence. As continued settlement and government policies forced tribes into smaller and smaller geographical areas, the issues of environment became increasingly vital and complex. Today, modern environmental debates center around development and exploitation of existing lands, the loss of land, location, resource wealth or poverty, changing needs of tribes, tribal cultural and religious beliefs, environmental racism (e.g. putting dumps in low-income areas), pollution and the sovereign rights of tribes.

*For more information, go to the official website of the North Dakota Indian Affairs Commission at [www.health.state.nd.us/ndiac](http://www.health.state.nd.us/ndiac).*

## The Meaning of Culture<sup>6</sup>

When discussing culture, it is important to make a distinction between American Indians as a political group and American Indians as a cultural group. In discussions of sovereignty, Indian people are different from other groups in that they have a unique political status and relationship with the U.S. government. In discussions of culture, however, Indian people are also different from other groups in that they have a unique, shared Native American culture, as well as unique, individual tribal cultures. It is necessary to make this distinction because some aspects of today's Native cultures (enrollment in a tribe, for example) have evolved from a political status and are not necessarily related to shared or specific culture.

This is especially true because many people view the services or programs for Native Americans as "special treatment" and do not realize that they arise from the political affiliation as opposed to a cultural or racial one.

15. In Native American culture, it is considered impolite to:
- ☐ Make direct and sustained eye contact with an elder or respected person.
  - ☐ Offer a firm and hearty handshake.
  - ☐ Call an elder by his or her first name.
  - ☐ Talk about the dead or seriously ill.

*See page 28 for answer.*

16. Native people prefer to be called Native American.  
True or False

*See page 28 for answer.*

To describe a culture is to describe the values, beliefs, behavioral norms and social structures common to a group of people. Values are cherished beliefs; they are definitions of what is important and worthwhile in life. Values, in turn, define proper and acceptable behavior. Our values and beliefs form our moral codes – they define right and wrong and our notions about the way people 'should' behave. There are several characteristics of culture that can explain behavior and affect our cross-cultural interactions:

- One's culture is learned. It is transmitted from one generation to another by the caretakers of children, religious ceremony, community celebrations, art, literature and stories. Traditionally, the family has been a powerful force in the transmission of beliefs and values. However, in modern society, television, formal education and other factors outside the family now help shape the values and beliefs of children.
- Culture is rooted in symbols – the most important of which are the symbols of language. It is primarily through language that one generation transmits a culture to the next generation. When "a people" no longer use their native language, they lose touch with the important symbols and concepts of their culture and that culture begins to disintegrate.
- A culture is an integrated whole. Examining one component of a culture (e.g. a behavioral norm about the proper way to feed an infant) reveals many other components of that culture. The elements of a culture are all interrelated. Among Native Americans, for example, many beliefs about child rearing are directly related to religious beliefs and spirituality. Individuals cannot understand one element of a culture without understanding other elements.
- A culture satisfies very basic human and social needs. It provides a sense of identity, belonging, purpose, and structure in life. It places limits on behavior and serves as a mechanism of social control.
- Cultures do change over time. Small or gradual changes are fairly easily integrated into the system. However, sudden and rapid change can have disastrous results because it leaves people uncertain about their identity, unsure about their beliefs and values and confused about behavioral norms.
- The concept of culture applies to groups of people, not to single individuals. An individual may or may not conform to the values, beliefs and norms held by most others. An individual's departure from the behavioral patterns common to his/her culture may result from personal choice, the process of learning or psychopathology.

- Culture is a powerful influence in each person's life, but many find it difficult to describe their own culture. Many people are not even aware that they have a culture until they travel to a foreign country or spend time with individuals from another culture. Only then do they realize that other groups of people and other societies have values, beliefs and standards of behavior quite different from their own. Few escape the problem of ethnocentrism – the belief that their culture is the best culture. Because an individual is part of his or her culture, he or she understands it better than 'outsiders' understand that culture's way of thinking and living. A "people's" culture makes sense to them while other cultures may seem confusing and illogical. People must develop an appreciation for cultural differences. One culture is not better or worse than another. They are simply different.

Because culture is such a significant influence in people's lives, it is important to become aware of both one's own culture and the culture of others. In a country like the United States, the members of the dominant society are usually not conscious of their culture. However, members of a minority culture are often very aware that their beliefs, values and norms are "different" than those of the dominant culture. An individual from a minority culture must reconcile his or her identity with that of the majority or dominant culture. In other words, he or she must become bicultural. Some individuals are able to move between two cultures with relative ease; while others have difficulty. Regardless, having to live in two cultures can often be a significant source of stress.

It is helpful to view biculturalism as a continuum. On one side are those who hold as tightly as possible to their native culture. This group can be called "enculturated" or "traditional." To the greatest extent possible, they adhere to the old ways and avoid involvement in the ways of the dominant society. On the other end of the continuum, are those who have abandoned most of their ethnic ways and have adopted the values, beliefs and norms of the dominant culture. This group can be called "assimilated." One's life experience, especially during childhood, strongly influences where an individual may be on the continuum.

Understanding where an individual is on this continuum can help in interaction and communication. Understanding another's culture is not as complicated or as painful as people sometimes make it. It does require that people listen to the individuals or families they serve, that they do not make assumptions about culture, and that they ask families about preferences.

## Bonus Trivia

### 11

What other ethnic group in North Dakota had close ties with Native Americans in the early years of settlement?

- a. German-Russians
- b. Norwegians
- c. Ukrainians

See page 33

In addition, consistent or long-term discrimination and racism can have a profound effect on behavior. Understanding how discrimination and racism affect an individual's thought processes and responses can help people better understand certain defensive behaviors in others and in themselves.

As you continue your journey to understanding, it is helpful to understand that history and culture are important to American Indian people. Understanding this helps one understand the paradigm through which American Indian people live, think, act and make decisions. Becoming culturally competent means understanding that we all have a culture that shapes how we act and interact with each other. This is especially relevant for human service professionals, who deal with members of different cultural groups on a regular basis. Understanding the importance of culture also makes people aware of any biases or stereotypes that contribute to the disparities in access, treatment and services. As human service professionals and systems become culturally competent, the relationships between service providers and the children and families they serve become more positive, rewarding and effective.

## Continuing Your Journey

Although it seems like this guidebook has covered a lot of information about Native American people, it is only the beginning. Readers are encouraged to continue learning, growing, appreciating and exchanging. Good luck on the continuing journey.

## Answers to Self-Test

1. **What modern-day state are most of the tribes in North Dakota said to originate from?**

*The correct answer is Minnesota.*

The “Sioux” people of the present-day Standing Rock Indian Reservation and the Spirit Lake Indian Reservation occupied nearly the entire region of Minnesota during the early 1700s. Except for the northernmost portion, which had been long inhabited by the Cree and Ojibway, the current state of Minnesota was home to the many bands of the “Great Sioux Nation.”

The great Dakota Nation was divided into three dialects and seven major bands. The Eastern Dakotas, speakers of the D dialect, comprised four bands: the Mdewakanton, Wahpeton, Wahpekute, and Sisseton. The Middle Dakota: the Yankton, and Yanktonai, were speakers of the “Nakota” or N dialect. The Yanktonai, who before the 1800s were living in what is now the southern two-thirds of Minnesota, had moved into southern North Dakota, eastern South Dakota and parts of Iowa and Minnesota. The Western or Teton Dakota, speakers of the Lakota or L dialect, were the largest division with seven bands: Blackfoot, Two Kettle, Miniconjou, Hunkpapa, Brule, Sansarc and Oglala.<sup>7</sup> These subdivisions became part of a political alliance known as the “Seven Council Fires” or *Oceti Sakowin*. This alliance allowed the Sioux to later become a major tribal force in the region.

During the late 1700s, however, the bands were pushed westward by the Cree and Ojibway, who had obtained guns through their trading with the French. By the early nineteenth century, the many bands of the Sioux had dispersed throughout the region and had developed cultural and political differences.

The original homelands of the Chippewa, or Ojibway, of the present-day Turtle Mountain Indian Reservation, were the woodlands of Canada, Minnesota, Wisconsin and Michigan. The shores of Lake Superior were vastly populated by the Ojibway when the Jesuits and French traders recorded contact in 1640.<sup>8</sup> Because of their location, the Ojibway became a central force in the development of the French and English fur trade. However, as they developed a dependence on the fur trade, the migration of the Ojibway was also determined by the game supply. In the late 1800s, the lack of wild game and furred animals forced one band to establish themselves at the Turtle Mountains in North Dakota.

The three separate tribes located on the present-day Fort Berthold Indian Reservation have somewhat different migration patterns. The Mandan are said to have moved from the area of southern Minnesota and northern Iowa to the plains in South Dakota about 900 A.D. From there, they slowly migrated north along the Missouri River to present-day North Dakota. The Hidatsa moved from central Minnesota to the eastern part of North Dakota and joined the Mandan at the Missouri River about 1600 A.D. The Sahnish (or Arikara), however, lived in an area that extended from the Gulf of Mexico, across Kansas, Nebraska, South Dakota and migrated upward across the plains to North Dakota via those states.

- 2. Which people are the first in this region to have contact with white fur traders?**  
*The correct answer is Ojibway.*

One account by an Ojibway chief noted that first contacts were made as early as 1610. Jesuits and fur traders have a recorded contact in 1640. Other tribes in the area do not have oral or written documentation of contact until the late 1600s. These first contacts with the Ojibway were made largely because of their proximity to the rivers and, thus, the early French traders, missionaries and explorers.

The acceptance of the French fur trader had a social and psychological impact on the culture of the Ojibway.<sup>9</sup> Although they had always hunted, trapped and traded with other tribes before the coming of the Europeans, the Ojibway became more dependent upon the fur trade as resources dwindled. Intermarriage between French fur traders and Ojibway or Cree wives also created a new branch of Ojibway, known as "Metis" or "Metchif." The Ojibway, and later the Metis, often served as the mediator between the fur traders and the other tribes in the region.

- 3. How many reservations are located in present-day North Dakota?**  
*The correct answer is 5.*

There are five separate and distinct Indian reservations that fall within the boundaries of North Dakota. These are the Standing Rock Indian Reservation, the Spirit Lake Indian Reservation, the Fort Berthold Indian Reservation, the Turtle Mountain Indian Reservation and the Sisseton-Wahpeton Indian Reservation. However, because the seat of the Sisseton-Wahpeton Sioux Tribe's government is located in South Dakota (as is the majority of the reservation), the Sisseton-Wahpeton Sioux Tribe is only occasionally included in North Dakota state-tribal issues.

- 4. Which reservation was the first to be established?**  
*The correct answer is the Spirit Lake Indian Reservation.*

On February 19, 1867, the Spirit Lake reservation was established by treaty between the U.S. government and the Sisseton and Wahpeton bands of the Dakota. The treaty created the boundaries of what was then known as the Devils Lake Sioux Reservation and recognized the Devils Lake Sioux Tribe. A military fort was established there and named Fort Totten, in honor of Brevet Major General Joseph Gilbert Totten, chief engineer of the U.S. Army. The name of the tribe was officially changed from Devils Lake Sioux Tribe to Spirit Lake Sioux Tribe in 1995-1996.

The second reservation to be established in North Dakota was the Fort Berthold Reservation. The original reservation boundaries were established under the 1851 Treaty of Fort Laramie. However, these were changed in the presidential executive order in 1870 and revised again in 1880 to accommodate the need for more land for the railroad. These involuntary land cessions led to a long legal battle for compensation for the three tribes that was not settled until 1930.

The Turtle Mountain Indian Reservation was the next reservation to be established. In December 1882, Congress designated a 24 by 32 mile tract of land for the Turtle Mountain Band of Chippewa. In 1884, however, an executive decision reduced the original land base, and the land was taken for public domain. *(See question #5 for further information about the Turtle Mountain reservation.)*

Although the Standing Rock Reservation was the last reservation to be officially established, it was actually a part of what was known as the Great Sioux Reservation since the 1868 Treaty of Fort Laramie. This original reservation was a 25 million acre tract that also extended into South Dakota, Nebraska, Wyoming and Montana, and was set aside for many different bands of Sioux. However, because of the need for more land for the railroad and the fact that gold had been discovered in the Black Hills, the government forced the breakup of the Great Sioux Reservation into several much smaller reservations. One of these became the Standing Rock Agency, established under an Executive Order signed March 16, 1875.

**5. Which is not a “true” reservation in North Dakota?**

*The correct answer is Trenton Indian Service Area.*

In 1892, a treaty agreement between the U.S. government and the Turtle Mountain Band of Chippewa set aside two townships in north central North Dakota as a reservation for tribal occupancy. Within the two reserved townships, individual land allotments were made to enrolled members of the Turtle Mountain Band of Chippewa. However, because of an error in the Tribal enumeration, the reservation land base could not accommodate the number of tribal members eligible for land allotments. Consequently, the U.S. government, as specified in the 1892 treaty agreement, provided public domain land in western North Dakota and eastern Montana to Turtle Mountain Chippewa who were willing to relocate and homestead in that area. The treaty agreement assured that services to the relocated membership would be provided as if they resided on reservation land. In 1973, the Turtle Mountain Band of Chippewa tribal government adopted Ordinance 29, empowering the Trenton tribal members to control their own self-determination.

**6. Tribal governments are fashioned after the traditional form of government utilized by Native tribes.**

*The correct answer is false.*

The Wheeler Howard Act of 1934, also known as the Indian Reorganization Act (IRA), was an act of Congress that recognized the right of tribal leadership. Under the law, Indian tribes wishing to organize could do so if they adopted a “model” of government. Unfortunately, most of the IRA constitutions were written in Washington and were presented to voters for approval or disapproval with little or no local input. The IRA constitutions more often mimicked county forms of government rather than reflecting traditional Indian governance. In the IRA constitutions, majority rule would replace consensus and the Bureau of Indian Affairs reserved the right to approve or disapprove all decisions made by the tribal councils.<sup>10</sup>



Tribal governments in North Dakota are similar to the state or federal government in structure and function. Every two or four years, tribal voters elect a tribal Chair, similar to the governor of a state or president of the United States. They also vote for a representative of their area, district or segment, who will represent them on the council, similar to a state legislator or member of Congress.

**7. The Indian Removal Act of 1830 was enacted for the purpose of:**

*The correct answer is to move all tribes from the east to west of the Mississippi River.*

What is sometimes referred to as the Removal Era occurred between the years of 1817 and the late 1880s. During this time period, approximately 42 different tribes from all over the country were forcibly moved to present-day Oklahoma or "Indian Territory." The Removal Era also spawned the assimilationist policies, advanced by advocates such as Thomas Jefferson, which sought to "civilize" the Native people primarily through the work of missionaries.

**8. The General Allotment Act of 1887 sought to:**

*The correct answer is all of the above (encourage land ownership by allotting individual Indians their own acreage, open additional Indian acreage to white settlers in need of more land, and discourage the Indian concept of communal land ownership).*

As the assimilationist policies of the late 1800s flourished, congressional acts followed. In 1887, Congress passed the General Allotment Act, also known as the Dawes Act. It sought to assist in the assimilation efforts by encouraging Natives to become landowners and farmers and discouraging their beliefs in communal land ownership. The Act stipulated that each Indian family would receive 160 acres of land and individual Indians would receive 80 acres. When all of the lands had been allotted, the "surplus" lands were to be sold to the U.S. and opened for homesteading.

**9. In 1953, House Concurrent Resolution 108 enacted a policy that sought to \_\_\_\_\_ certain tribes.**

*The correct answer is terminate.*

What is commonly referred to as the Termination Era occurred between 1945 and 1960. During this time period, the federal policies regarding American Indians sought three ends. One was to terminate tribes that were believed to be prosperous enough to become part of the American mainstream. Although the term terminate was used to describe tribes, in actuality the policy sought to repudiate the government's trust responsibility. Another focus of the federal policies of this period was related to the termination of the trust responsibility: the transfer of federal responsibility and jurisdiction to states. Finally, the policies of that time period encouraged the physical relocation of Indians from reservations into the mainstream of America.

House Concurrent Resolution 108 of the 83rd Congress was the definitive act of government of this time period. It stated that Indian tribes “should be freed from Federal supervision and control.”

During the Termination Era, over 100 different tribes, bands and Indian rancherias were authorized for termination. Although specific criteria had been developed to identify tribal groups who were “ready” for termination, the political climate of the time suggests another reason for the policy and selections. During this same time period, Congress introduced over 100 different bills seeking the transfer of trust land to non-Indian ownership. In addition, two tribes slated for termination held particularly lucrative pieces of land that eventually passed into individual non-Indian ownership. Approximately 12,000 individual Indians lost tribal affiliation and approximately 2.5 million acres of Indian lands were lost.

**10. In the 1960s and 1970s, the Relocation Program was used to:**

*The correct answer is to relocate Indian families from reservations to major urban areas such as Chicago, Denver and San Francisco.*

**11. The policy of self-determination, which encouraged Indian tribes to participate in their own governmental programs by assuming leadership, was enacted in what year?**

*The correct answer is 1975.*

The Self-Determination Era is said to have begun in the early 1960s, although the actual legislation that encouraged self-determination was not passed until the Indian Self-Determination and Education Assistance Act of 1975. The shift in public policy dealing with Native Americans flourished under the Kennedy, Johnson, and Nixon administrations and was characterized by the philosophy of partnership and self-help. Other legislation passed at this time that encouraged self-determination and empowered tribes included the Indian Civil Rights Act of 1968, the Indian Child Welfare Act of 1978, the American Indian Religious Freedom Act of 1978 and others.

The Indian Self-Determination and Education Assistance Act, Public Law Number 93-638, sought to provide for maximum Indian participation in the management of federal programs and services for Indians. Although the Act originally applied to activities and programs of the Bureau of Indian Affairs specifically, it was later expanded to include all bureaus within the Department of the Interior. Thus, Indian tribes may enter into “self-determination contracts” with the Secretary of the Interior and the Secretary of Health and Human Services to administer programs or services that otherwise would have been administered by the federal government, such as education, medical services, construction, and law enforcement. The Act is also known as Public Law No. 93-638 and is where the concept of “638s,” “638 contracts,” “contracting,” or “contracted services” is derived. This concept is one that many human service agencies encounter when working with tribes.

**12. The Bureau of Indian Affairs is one of the oldest agencies within the U.S. Government.**

*The correct answer is true.*

In 1775, the Continental Congress created three departments of Indian affairs: northern, central and southern. Two of the first departmental commissioners were Benjamin Franklin and Patrick Henry. As commissioners, it was their duty to maintain relations with Indian tribes in order to obtain neutrality during the Revolutionary War. In 1789, the U.S. Congress placed the Indian affairs departments under the newly established War Department.

In 1824, Secretary of War John C. Calhoun created (without authorization from Congress) a department he called the Bureau of Indian Affairs and appointed Thomas L. McKenney (the former superintendent of Indian trade) to head it. McKenney's duties were largely administrative in nature while the major authority and responsibility of the office continued to be vested with the secretary of war. Thus, McKenney proposed a distinct "Office of Indian Affairs" be created through an act of Congress. McKenney's proposal finally received approval in 1832 with the passage of a bill giving the president authority to appoint a commissioner of Indian affairs to serve under the secretary of war. This bill was amended in 1849 to transfer the Office of Indian Affairs to the newly-created Department of the Interior, where it has remained since. After 1849, the Office of Indian Affairs became known as the Bureau of Indian Affairs.

**13. What percentage of the total gaming revenue in the United States is earned by Tribally-owned casinos?**

*The correct answer is one to ten percent.*

According to the National Indian Gaming Association, there are currently 562 federally recognized Indian tribes in the United States. Of these, only 201 engage in Class II or Class III gaming operations. Most of the tribes operate casinos for employment purposes, providing 75 percent of their jobs to Native people and 25 percent of the jobs to non-Indian employees. In the year 2000, the total gaming revenue for Indian-owned casinos was \$10.6 billion. This amount constitutes less than ten percent of the total gaming revenue generated in the entire United States.<sup>11</sup>

Revenues from tribal governmental gaming must be used in five specific areas. According to the Indian Gaming Regulatory Act (25 U.S.C. 2710 [Sec. 11]), net revenues from any tribal gaming are not to be used for purposes other than (1) to fund tribal government operations or programs, (2) to provide for the general welfare of the Indian tribe and its members, (3) to promote tribal economic development, (4) to donate to charitable organizations or (5) to help fund operations of local government agencies.

In many states, such as North Dakota, the tribes are the primary funding source for state-wide gambling addiction treatment programs.

**14. American Indians receive free health care.**

*Trick question! The correct answer is true and false.*

Many American Indian people – though not all – receive health care through the Indian Health Service (IHS). The Indian Health Service is NOT health insurance and does not provide health insurance coverage. IHS is an agency of the United States Public Health Service in the Department of Health and Human Services. The provision of health services grew out of the historical government-to-government relationship between Native tribes and the U.S. government. The principal legislation authorizing federal funds for health services to recognized Indian tribes is the Snyder Act of 1921.<sup>12</sup> It authorized funds “...for the relief of distress and conservation of health...[and] for the employment of...physicians...for Indian tribes throughout the United States.”<sup>13</sup>

The Indian Health Service operates a comprehensive health service delivery system for approximately 1.5 million of the nation’s two million American Indians and Alaska Natives.<sup>14</sup> Its annual appropriation is about \$2.2 billion. As of October 1998, the federal system consisted of 37 hospitals, 59 health centers, 44 health stations and four school health centers.<sup>15</sup>

Native Americans who are enrolled members of their tribe and who reside within the service delivery areas of an Indian Health Service facility can access those services. Although they do not pay any out-of-pocket charges for services, the entire system has been paid for through land cessions made by the tribes.

**15. In Native American culture, it is considered impolite to:**  
*Trick question!*

There is no one “Native American culture.” There are over 550 different tribal nations within the United States. These tribal nations each have their own culture, including ceremonies, beliefs, rituals and values. In addition, many of these tribes have their own languages or dialects. While we can make some generalizations about Native people, it is best to recognize the diversity among Native Americans.

Even when recognizing this tribal diversity, it is a common misconception that all Native American people of the same tribal affiliation have the same level of enculturation. On the contrary, there is a great deal of diversity among members of the same tribal group in terms of how enculturated or how assimilated they may be. For example, one person may have been raised in a very traditional home and truly consider direct eye contact with an elder or revered person to be impolite. He or she may or may not be aware of his or her actions. Another person may be very assimilated into the dominant society and believe that direct eye contact is polite behavior. He or she also may or may not be aware of his or her actions. Still another person may be cognizant of the social norms of both American Indian and non-Indian and utilize direct eye contact when dealing with non-Natives and avoid eye contact with their own people. This person is more likely to be very aware of his or her own cultural behaviors.

**16. Native people prefer to be called Native American.**  
*The correct answer is false.*

The dilemma over whether to use the term Indian, Native American, American Indian, or some other term, when referring to the collective group has been a long-running debate. The only agreement seems to be that there is no agreement on any one term. Similar to asking a Caucasian person whether he or she prefers to be called Caucasian, White, non-Indian or Anglo, the issue often comes down to a matter of personal preference. In addition, the preferred term might not be any of the above. If one must refer to another's racial or ethnic group identity, some people may even prefer to be identified by their specific group affiliation (e.g. Lakota, Hidatsa, German, Norwegian, etc.). It is also important to note that some people may have definite preferences for the term used while others will not have a particular preference as long as any term is used respectfully.

According to a U.S. Census Bureau Survey from May of 1995, the preferences for terms used by racial/ethnic groups is as follows:

| <b><i>Preferred Term</i></b> | <b><i>Percent<sup>1</sup></i></b> |
|------------------------------|-----------------------------------|
| <b>Hispanic</b>              |                                   |
| Hispanic                     | 57.88                             |
| Of Spanish origin            | 12.34                             |
| Latino                       | 11.74                             |
| Some other term              | 7.85                              |
| No preference                | 10.18                             |
| <b>White</b>                 |                                   |
| White                        | 61.66                             |
| Caucasian                    | 16.53                             |
| European American            | 2.35                              |
| Some other term              | 1.97                              |
| Anglo                        | .96                               |
| No preference                | 16.53                             |
| <b>Black</b>                 |                                   |
| Black                        | 44.15                             |
| African American             | 28.07                             |
| Afro-American                | 12.12                             |
| Negro                        | 3.28                              |
| Some other term              | 2.19                              |
| Colored                      | 1.09                              |
| No preference                | 9.11                              |
| <b>American Indian</b>       |                                   |
| American Indian              | 49.76                             |
| Native American              | 37.35                             |
| Some other term              | 3.66                              |
| Alaska Native                | 3.51                              |
| No preference                | 5.72                              |

<sup>1</sup> Preferred term by group of people the term is mean to represent.

## Answers to Bonus Trivia

### 1 **What is the Red River Cart?**

First appearing in 1803, the Red River Cart played a major role in early transportation and was considered a major invention. The Metis are credited with its creation. Long “trains” of over 100 carts were commonly seen during this time period, hauling tents, dried buffalo meat, hides and other goods. The Red River Cart revolutionized the trade routes of that era.

### 2. **Since adopting elections for a Tribal Chair, every tribe in the state has elected a woman to this position.**

The correct answer is true. Every tribe in North Dakota has elected a Tribal Chairwoman at one time in its history. Most notable are Josephine Gates Kelly for the Standing Rock Sioux Tribe; Evelyn Young, Ila Rae McKay and Myra Pearson for the Spirit Lake Sioux Tribe; Twila Martin-Kekahbah of the Turtle Mountain Band of Chippewa; Cynthia LaCounte of the Trenton Indian Service Area, and Rose Crow Flies High and Alyce Spotted Bear of the Three Affiliated Tribes.

### 3. **One of the first members of the “Indian police,” Red Tomahawk, is known as the man who shot Sitting Bull. What other distinction does he claim in North Dakota?**

The correct answer is (a). His likeness is featured on North Dakota highway signs. The image is from a photograph taken of Red Tomahawk by famed photographer Frank Fiske.

### 4. **Today, approximately half of the land within the boundaries of North Dakota’s two largest reservations are owned by non-Indians.**

The correct answer is true. According to community profiles conducted by the tribes, the Standing Rock Indian reservation encompasses 2.3 million acres of land and approximately 1,283,000 acres are individually owned by non-Indians. The Fort Berthold Indian reservation encompasses 981,215 acres of land. Of this, 526,883 acres are owned by non-Indians.

### 5. **Which North Dakota tribe was on the original list to be terminated?**

The correct answer is (b) the Turtle Mountain Band of Chippewa. As Congress proposed termination, they offered hearings for the tribes on the list to be terminated. The Turtle Mountain Band of Chippewa, on the list as one of the first tribes to be terminated, sent a delegation to Washington. The delegation was headed by the Tribal Chairman at the time, Patrick Goumeau, and testified that the tribe was unprepared economically for termination. The poverty on the reservation was still extreme and termination would have devastated the tribe. Following this testimony, a Congressional subcommittee removed the Turtle Mountain Band of Chippewa from the list.

**6. What percentage of tribal members of the Three Affiliated Tribes was moved as a result of the creation of Lake Sakakawea?**

The correct answer is (c). Eighty percent were relocated.

**What percentage of agricultural lands of the Three Affiliated Tribes was lost due to the creation of Lake Sakakawea?**

The correct answer is (d). Ninety-four percent of the agricultural land was lost.

The Three Affiliated Tribes lost 152,360 acres of land to the construction of Garrison Dam. Over one-fourth of the reservation's land base was flooded and the water effectively separated the reservation communities. The majority of the tribal population was located on the rich bottomlands that were eventually flooded. Thus, 325 families – or approximately 80 percent of the tribal population – were forced to relocate. These bottomlands had also provided excellent farming and ranching lands. The loss of these particular acres resulted in the loss of 94 percent of the agricultural lands.

Similarly, the Standing Rock Sioux Tribe lost land in the construction of the Oahe Dam, which destroyed more Indian land than any other public works project in America. The Standing Rock and Cheyenne River Sioux Tribe in South Dakota lost their most valuable rangeland, nearly all of their timber, most of the gardens and cultivated farm tracts and wild fruit and wild life resources. Standing Rock was forced to move 25 percent of their tribal members and Cheyenne River was forced to relocate 30 percent of their tribal members.

**7. The poverty rate for Indians in North Dakota is more than \_\_\_\_ times the rate for the population of all races in North Dakota.**

The correct answer is three. According to 2000 Census data, the poverty rate for Native Americans in North Dakota was 34.6 percent compared to 11.9 percent for the rest of North Dakota. The Census Bureau estimated median household income for North Dakota was \$34,376. In contrast, the median household income for Indians in North Dakota was two-thirds that amount, or \$22,134. Disparities in employment opportunities also exist. The Bureau of Labor Statistics and the Bureau of Indian Affairs calculate unemployment rates differently. According to Bureau of Labor Statistics data the average monthly unemployment rate for 2001 was 2.8 percent for all of North Dakota. (See website <http://data.bls.gov/cgi-bin/survey> for detail data). According to the BIA, the combined unemployment rate for the four reservations within North Dakota was 66 percent in 2001.

Despite the promises made by the United States in exchange for land cessions, poverty is endemic for American Indians, and programs aimed at assisting Indian people have been largely underfunded and ineffective. For example, the Indian Health Service is funded at approximately 65 percent of need. The Indian Health Service per capita expenditure in Fiscal Year 1997 was \$1,132, as compared to national per capita health expenditure of

\$3,261. Similarly, the Bureau of Indian Affairs is funded at approximately 50-60 percent of need.

**8. A famous Sioux leader from North Dakota is featured on U.S. paper currency.**

The correct answer is true. According to the United States Mint of the U.S. Department of the Treasury, the Sioux leader Running Antelope was the first and only Native American to have his likeness featured on U.S. paper money. He was featured on the 1899 \$5 Silver Certificate, which was in circulation for several years. Running Antelope was a prominent band chief of the Hunkpapa Lakota from Standing Rock.

**9. Tribally-controlled community colleges were created in the late-1970s to address the issue of higher education for American Indians. How many of the first six tribal colleges established were in North Dakota?**

The correct answer is three. The Turtle Mountain Community College, United Tribes Technical College and Standing Rock Community College were part of the original Tribally Controlled Community College Assistance Act of 1978. These North Dakota colleges have been, and continue to be, the forerunners of many tribal college developments. These tribal colleges, along with the 29 other colleges established since 1978, provide an essential service for American Indian students on reservations. The colleges were established in response to the high number of American Indian drop-outs in other colleges. The tribal colleges allow students to become acclimated to college before addressing the culture shock issues of attending a mainstream college or university.

According to the American Indian Higher Education Consortium, the tribal colleges enroll 33,000 students from 250 federally recognized tribes and offer over 350 degree programs and 179 vocation certificate-granting programs. In addition, tribal college graduates who transfer to four-year institutions are more likely to graduate than other American Indian students.

Tribal colleges are an example of the self-determination efforts in education that have been successful. Although the tribal colleges struggle with funding and sustainability because they have never been funded at congressionally authorized levels, the colleges have experienced success in areas of graduation, continuation and employment rates. Today, there are five tribal colleges in North Dakota: Cikana Candeska Community College on the Spirit Lake Reservation, Fort Berthold Community College on the Fort Berthold Reservation, Sitting Bull College (formerly Standing Rock Community College) on the Standing Rock Reservation, Turtle Mountain Community College on the Turtle Mountain Reservation, and United Tribes Technical College in Bismarck, N.D.

**10. The American Indian population in North Dakota is largely made up of adults over the age of 35.**

The correct answer is "false." The average age for the American Indian population in North Dakota is 18 years old. This compares to North Dakota's average age of 35 years. This



means that approximately 43 percent of the American Indian population is under the age of 21. With such a young population, issues dealing with children and youth are especially prevalent for North Dakota tribes.

**11. What other ethnic group in North Dakota had close ties with Native Americans in the early years of settlement?**

The correct answer is German-Russians. Several historical accounts report significant cultural sharing between the Native people and the Germans from Russia, especially on the Standing Rock reservation. It was noted that the German-Russian immigrants took on so many characteristics of the Lakota/Dakota people that they were sometimes referred to as the "German Indians." The German-Russians used Lakota/Dakota words, dried corn and other vegetables in the same manner as Indian women and even adopted certain child-rearing practices.

## **Answers to Bonus Activities**

- A. Devils Lake – Dakota  
Killdeer Mountains – Lakota  
Heart River – Mandan  
Yellowstone River – Hidatsa

Devils Lake was known as Mniwakan to the Dakota people. This means “mysterious water” or “sacred water.” However, because of a mistranslation of the term “wakan,” this body of water became known as Devils Lake. The Killdeer Mountains derived their name from the Lakota people, who used the mountains as a primary source of deer meat and hides. The Lakota phrase for the mountains meant place “where they kill the deer.” The Heart River was named by the Mandan people because it corresponded to a tribal legend. The Yellowstone River was originally named the Yellow River by the Hidatsa.

- B. Standing Rock encompasses 2.3 million acres of land.  
Fort Berthold encompasses 981,215 acres of land.  
Spirit Lake encompasses 245,141 acres of land.  
Turtle Mountain encompasses 72,255 acres of land.
- C. Fort Yates is located on the Standing Rock Reservation.  
Belcourt is located on the Turtle Mountain Reservation.  
Fort Totten is located on the Spirit Lake Reservation.  
New Town is located on the Fort Berthold Reservation.

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## Notes

- 1 Utter, *American Indians: Answers to Today's Questions*, p. 151
- 2 Nabokov, *Native American Testimony*, p. 306
- 3 Carlisle Indian Industrial School, <http://home.epix.net/~landis/index.html>
- 4 [www.doi.gov/bureau-indian-affairs.html](http://www.doi.gov/bureau-indian-affairs.html)
- 5 Special Subcommittee on Indian Education, "Indian Education: A National Tragedy-A National Challenge," 91st Congress, First Session, 1969, p. 140
- 6 Excerpts from "*Cultural Issues in the Worker-Client Relationship*," a workshop presented at Jamestown, N.D. (Oct. 1987) by N. Yellow Bird, V. Gillette, D. Hosie and H. Fisher
- 7 Garcia, *The History and Culture of the Mni Wakan Oyate*, p. 5
- 8 Davis, *The History and Culture of the Turtle Mountain Band of Chippewa*, p. 7
- 9 Ibid, p. 8

- 10 Shields, *The History and Culture of the Standing Rock Oyate*, p. 24
- 11 [www.indiangaming.org](http://www.indiangaming.org)
- 12 [www.ihs.gov](http://www.ihs.gov)
- 13 Ibid.
- 14 Ibid.
- 15 Ibid.

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